

# Notice of Allowability

Application No.

09/936,794

Examiner

William P. Fletcher III

Applicant(s)

DAVIES ET AL.

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 25 August 2005.
2. ☒ The allowed claim(s) is/are 2 and 4-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 14 Feb. 05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**TIMOTHY WEEKS**  
**SUPERVISORY PATENT EXAMINER**

*WPF 11/14/2005*  
William Phillip Fletcher III  
Patent Examiner, UPSTO  
Group Art Unit 1762

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lainie E. Parker (Reg. No. 36,123) on 14 November 2005.

The application has been amended as follows:

**Claim 13 (currently amended)** A method of ~~using~~ treating steel primer comprising:  
spraying an aqueous solution of an inorganic salt of concentration at least 0.01 M ~~as a spray~~  
~~treatment of on steel primer that has previously been~~ coated with a primer coating composition  
comprising an aqueous silica sol binder having a particle size in the range 3 to 100nm and a  
SiO<sub>2</sub>/M<sub>2</sub>O mole ratio, where M represents total alkali metal and ammonium ions, of at least 25:1.

**Claim 14 (currently amended)** A method of ~~using~~ treating steel primer comprising:  
spraying a silicate, an alkoxysilane, or an acyloxysilane solution ~~as a spray treatment of on steel~~  
~~primer that has previously been~~ coated with a primer coating composition comprising an aqueous  
silica sol binder having a particle size in the range of 3 to 100nm and a SiO<sub>2</sub>/M<sub>2</sub>O mole ratio,  
where M represents total alkali metal and ammonium ions, of at least 25:1.

***Allowable Subject Matter***

2. Claims 2 and 4-21 are allowed.

3. The following is an examiner's statement of reasons for allowance: The closest prior art has been made of record in the prior Office actions. Applicant's arguments in the response filed 25 August 2005 are persuasive. The invention of Sano rests in mechanical and thermal properties realized by coating with a composition having a particular viscoelastic property (1:34-51 and 45-47). This coating composition has a molar ratio of 0.5-15 (4:45-60), which is outside applicant's claimed range, and is accompanied by a teaching that changing the molar ratio will change the viscosity of the coating composition (4:51-55). Consequently, it is clear that Sano's molar ratio is critical to the invention, and that it would have been obvious neither to optimize this value nor substitute the composition of Watanabe so as to give the claimed molar ratio of 25:1.

4. The above examiner's amendment merely amends 13 and 14 so that they recite positive method steps. See MPEP § 2173.05(q).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Information Disclosure Statement***

5. The information disclosure statement (IDS) submitted on 14 February 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

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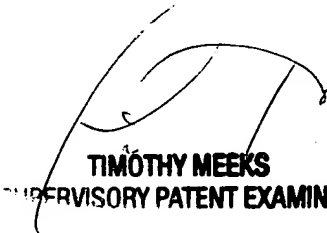
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Monday through Friday, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*WPF 11/14/2005*  
William Phillip Fletcher III  
Patent Examiner, USPTO  
Art Unit 1762

  
**TIMOTHY MEES**  
**SUPERVISORY PATENT EXAMINER**